

SENATE BILL REPORT

SB 5410

As of January 29, 2009

Title: An act relating to online learning.

Brief Description: Regarding the digital learning commons.

Sponsors: Senators Oemig, Morton, McAuliffe, Tom and Eide.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/26/09.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Juliana Roe (786-7438)

Background: Under current law, "digital programs" are defined as electronically delivered learning that occurs primarily away from the classroom.

The Office of the Superintendent of Public Instruction (OSPI) has the authority to adopt and implement rules regarding the following:

1. defining a full-time equivalent (FTE) student or part-time student based upon the district's estimate of average weekly hours of learning activity and addressing state funding issues with regard to nonresident students so that no student is counted for more than one FTE;
2. requiring school district boards of directors to adopt and annually review written policies for each program and program provider and to receive an annual report on its digital learning programs from its staff;
3. requiring each school district offering or contracting to offer digital programs to annually report the types of programs, course offerings, and number of participating students to OSPI;
4. requiring completion of a program self-evaluation;
5. requiring the district to provide documentation of a student's physical residence;
6. requiring certificated instructional staff to supervise, monitor, assess, and evaluate digital programs;
7. requiring school district offering digital courses to provide the ratio of certificated instructional staff to FTE student enrolled;
8. requiring reliable methods to verify a student's participation in the digital course, such as proctored exams or web cams;

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9. requiring each digital student to be provided with a learning plan, such as a course syllabi;
10. requiring districts to annually assess the educational progress of students enrolled in digital courses using the state assessment for the student's grade level and any other annual assessment required by the district, except for those receiving home-based instruction or enrolled in private school;
11. requiring students taking digital programs to have weekly direct personal contact with certificated instructional staff, such as by telephone, email, instant messaging, interactive video, or other means of digital communication;
12. requiring state-funded schools or public schools whose primary purpose is to provide digital learning programs to receive accreditation through the state or regional accreditation program;
13. requiring state-funded schools or public schools whose primary purpose is to provide digital learning programs to provide students and parents information as to whether the courses or programs cover the district's learning goals, cover the state's essential academic learning requirements, or meet the state's or district's graduation requirements; and
14. requiring districts that provide digital courses to provide parents or guardians of a student, prior to enrollment, a description of any difference between home-based education and the student's choice of enrollment option, and the parent or guardian is required to sign documentation attesting to his or her understanding of the difference, to be retained by the district.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed First Substitute): The Digital Learning Commons (DLC) is the statewide coordinating entity for K-12 online learning. Online courses must be available for grades K-12. DLC administers the network and ensures quality education. Either the accreditation standards used by the Northwest Association of Accredited Schools or national accreditation standards, to the extent that they are available, are required to be incorporated in DLC's endorsement process. DLC may charge providers a fee to process endorsement requests. Online course providers that have already been endorsed by DLC are not required to repeat the endorsement process, unless there has been a significant change to a course that causes the course to fall below the standards required by DLC. Students who take courses that are not endorsed by DLC will not be granted credit for those courses, with some exceptions. School districts that develop online courses or programs are exempt from the endorsement requirement if the students taking the online courses are students physically attending school in that district. Students who take online courses from a school district that develops its own online courses or programs and do not physically attend the school district in which the online course is offered will not be granted credit or funding for those courses. DLC is required to post on its website the criteria used to endorse a course, a list of endorsed courses and their descriptions, and evaluations of courses offered. DLC is required to follow state standards and align with the Essential Academic Learning Requirements and Grade Level Expectations. OSPI, in consultation with the State Board of Education (SBE), is required to create a waiver procedure to allow students to take and be eligible for credit for online courses that are not endorsed or offered through DLC and to take courses that may or may not already be offered at their local school. OSPI, in consultation with SBE, is required to monitor and enforce the endorsement and credit requirements.

School districts are responsible for the cost of online courses offered through DLC taken by their students. Local school districts are required to create guidelines for students to take online courses, including eligibility requirements and credit recovery courses. School districts are required to provide all students with information regarding online courses offered through DLC, including that all courses taken through DLC are eligible for credit and that those courses not taken through DLC may not be eligible for credit.

DLC is required to hire an outside evaluator to prepare an annual report.

DLC is required to provide a program that gives local advisors access to student online course progress reports with access granted by a parent or guardian by way of a signed and dated written consent.

Local advisors, who find that a student will not pass a course because an online teacher has failed to monitor or maintain the student's progress, can remove a student from the course and have the school district reimbursed. Local advisors who find that a student will not pass a course because the student has failed to keep up or does not have requisite prior knowledge for success can prohibit a student from taking subsequent online courses. Students prohibited from taking further online courses can petition the school district in subsequent semesters for permission to take an online course.

Teachers in grades 7-12 must be certified, certificated, or licensed to teach the grade or subject matter and meet the federal No Child Left Behind highly qualified standards. All online teachers must successfully complete professional development courses related to online learning.

Appropriation: None.

Fiscal Note: Requested on January 21, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The online world is a resource that needs to be attacked. Some students respond to it better. The quality of the material offered should be ensured to uphold standards that are expected in Washington. This bill will broaden the access to online material and keep children connected to their communities.

The online learning world is dramatically changing. The current law has caused consternation throughout the state. This bill is a great start to ameliorating these problems. It is important to enhance course quality: provide teachers, parents, educators, and students with information, equity of access, and ease of navigation through the online learning process with state oversight.

DLC was created by the Legislature to improve access to students for education opportunities and provides quality control for online resources. DLC has provided quality, ease of use, and

great support for students and teachers in our school districts. Students have seen great success through the format offered by DLC.

CON: Online learning does not have a place in our schools. It should be used for students who need a different learning environment. It should be used to augment and advance learning, but never to replace standard programs.

There is concern that additional oversight might be burdensome for the online providers. These alternative programs are important to many, including students with learning impairments. To be faced with the possibility that students may have to go back into the public school system because of burdensome oversight imposed on online providers is scary. Many of the existing online providers already go through rigorous standards which require alignment with state standards, accreditation, and school board approval. The local schools already provide quality control for these online providers; another layer of approval is unnecessary. It would be unfair to force all online providers to go through DLC. Online providers already comply with the law and should not be threatened with interests that oppose innovation and options.

Persons Testifying: PRO: Senator Oemig, prime sponsor; Judy Margrath-Huge, DLC; Brad Burnham, State Board of Education; Bob Butts, Martin Mueller, Office of the Superintendent of Public Instruction; Eric Alm, Columbia Virtual Academy; Diane Ferbrache, Kate McCearan, citizens; Joe Pope, Northwest Association of Accredited Schools.

CON: Mark Conley, Washington Virtual Academies; Kristin Whitaker, Spokane Public Schools; Lile Holland, Washington Association for Learning Alternatives; Susan Stewart, Washington Virtual Academy; Lucinda Young, Washington Education Association; Dale Mix, Tieshe Stiles, Angela May, Stephen Roth, Marie Holloway, Daniel Holloway, Allen Holloway, Marcia Fromhold, citizens.